



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/501,981

10/29/2004

Peter Alexander Dawes

FREEH 68914

1998

24201

7590

09/28/2006

FULWIDER PATTON

6060 CENTER DRIVE

10TH FLOOR

LOS ANGELES, CA 90045

EXAMINER

THERKORN, ERNEST G

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,981

Applicant(s)

DAWES ET AL.

Examiner

Ernest G. Therkorn

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 16-21, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145). At best, the claims differ from Hartigan (U.S. Patent No. 4,083,702) in reciting permanently sealing such as gluing. Garguilo (U.S. Patent No. 6,344,145) (column 6, lines 25-28) discloses gluing joins two capillaries and maintains their relative position. It would have been obvious to glue in Hartigan (U.S. Patent No. 4,083,702) because Garguilo (U.S. Patent No. 6,344,145) (column 6, lines 25-28) discloses gluing joins two capillaries and maintains their relative position.

Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) as applied to claims 1-5, 16-21, and 32 above, and further in view of Najafabadi (U.S. Patent No. 5,938,919). At best, the claims differ from Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) in reciting use of a protective sheath. Najafabadi (U.S. Patent No. 5,938,919) (column 4, lines 40-64, particularly lines 51-54) discloses use of a shield prevents scratching that would cause fracture. It would have been obvious to use a protective sheath in Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) because Najafabadi (U.S.

Art Unit: 1723

Patent No. 5,938,919) (column 4, lines 40-64, particularly lines 51-54) discloses use of a shield prevents scratching that would cause fracture.

Claims 6-14 and 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) alone or Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) as applied to claims 1-5, 16-21, and 32 above, and further in view of Anton (U.S. Patent No. 4,989,974) and Antocci (U.S. Patent Application No. 2005/0191212). The claims differ from either Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) alone or Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) in reciting use of a frit in a double ferrule. Anton (U.S. Patent No. 4,989,974) (column 3, lines 40-55) pictorially represents a double ferrule as element 10a and indicates that it is a deformable element that grips capillary tubes in a connection between tubes. Antocci (U.S. Patent Application No. 2005/0191212) (paragraph 39, lines 35-37 and paragraph 41, lines 1-6) discloses that it is desirable to use a frit in a ferrule for seating and sealing. It would have been obvious to use a frit in a double ferrule in either Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) alone or Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) because Anton (U.S. Patent No. 4,989,974) (column 3, lines 40-55) pictorially represents a double ferrule as element 10a and indicates that it is a deformable element that grips capillary tubes in a connection

between tubes and because Antocci (U.S. Patent Application No. 2005/0191212) (paragraph 39, lines 35-37 and paragraph 41, lines 1-6) discloses that it is desirable to use a frit in a ferrule for seating and sealing.

Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) as applied to claims 1-5, 16-21, and 32 above, and further in view of either Upchurch (U.S. Patent No. 5,736,036) or Yang (U.S. Patent No. 4,483,773). At best, the claims differ from Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) in reciting use of a glass lined metal tube. Upchurch (U.S. Patent No. 5,736,036) (column 3, lines 31-33) discloses use of a glass lined stainless steel column avoids compatibility problems. Yang (U.S. Patent No. 4,483,773) (column 4, lines 59-62) discloses that a glass lined stainless steel column is interchangeable with a glass column. It would have been obvious to use a glass lined metal tube in Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) either because Upchurch (U.S. Patent No. 5,736,036) (column 3, lines 31-33) discloses use of a glass lined stainless steel column avoids compatibility problems or because Yang (U.S. Patent No. 4,483,773) (column 4, lines 59-62) discloses that a glass lined stainless steel column is interchangeable with a glass column.

Claims 1-5, 16-21, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919). At best, the claims differ from Hartigan (U.S. Patent No. 4,083,702) in reciting permanently sealing such as

Art Unit: 1723

gluing and a pair of fittings. Najafabadi (U.S. Patent No. 5,938,919) (column 6, lines 42-49) discloses that use of identical ends is desirable. Najafabadi (U.S. Patent No. 5,938,919) (column 7, lines 41-60) discloses that bonding prevents slipping. Garguilo (U.S. Patent No. 6,344,145) (column 6, lines 25-28) discloses gluing joins two capillaries and maintains their relative position. It would have been obvious to have identical ends in Hartigan (U.S. Patent No. 4,083,702) because Najafabadi (U.S. Patent No. 5,938,919) (column 6, lines 42-49) discloses that use of identical ends is desirable. It would have been obvious to glue in Hartigan (U.S. Patent No. 4,083,702) because Najafabadi (U.S. Patent No. 5,938,919) (column 7, lines 41-60) discloses that bonding prevents slipping and Garguilo (U.S. Patent No. 6,344,145) (column 6, lines 25-28) discloses gluing joins two capillaries and maintains their relative position.

Claims 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) as applied to claims 1-5, 16-21, and 32 above, and further in view of Najafabadi (U.S. Patent No. 5,938,919). At best, the claims differ from Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) in reciting use of a protective sheath. Najafabadi (U.S. Patent No. 5,938,919) (column 4, lines 40-64, particularly lines 51-54) discloses use of a shield prevents scratching that would cause fracture. It would have been obvious to use a protective sheath in Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) because Najafabadi (U.S. Patent No. 5,938,919) (column 4, lines

Art Unit: 1723

40-64, particularly lines 51-54) discloses use of a shield prevents scratching that would cause fracture.

Claims 6-14 and 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) as applied to claims 1-5, 16-21, and 32 above, and further in view of Anton (U.S. Patent No. 4,989,974) and Antocci (U.S. Patent Application No. 2005/0191212). The claims differ from Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) in reciting use of a frit in a double ferrule. Anton (U.S. Patent No. 4,989,974) (column 3, lines 40-55) pictorially represents a double ferrule as element 10a and indicates that it is a deformable element that grips capillary tubes in a connection between tubes. Antocci (U.S. Patent Application No. 2005/0191212) (paragraph 39, lines 35-37 and paragraph 41, lines 1-6) discloses that it is desirable to use a frit in a ferrule for seating and sealing. It would have been obvious to use a frit in a double ferrule in Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) because Anton (U.S. Patent No. 4,989,974) (column 3, lines 40-55) pictorially represents a double ferrule as element 10a and indicates that it is a deformable element that grips capillary tubes in a connection between tubes and because Antocci (U.S. Patent Application No. 2005/0191212) (paragraph 39, lines 35-37 and paragraph 41, lines 1-6) discloses that it is desirable to use a frit in a ferrule for seating and sealing.

Claims 15 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) as applied to claims 1-5, 16-21, and 32 above, and further in view of either Upchurch (U.S. Patent No. 5,736,036) or Yang (U.S. Patent No. 4,483,773). At best, the claims differ from Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) in reciting use of a glass lined metal tube. Upchurch (U.S. Patent No. 5,736,036) (column 3, lines 31-33) discloses use of a glass lined stainless steel column avoids compatibility problems. Yang (U.S. Patent No. 4,483,773) (column 4, lines 59-62) discloses that a glass lined stainless steel column is interchangeable with a glass column. It would have been obvious to use a glass lined metal tube in Hartigan (U.S. Patent No. 4,083,702) in view of Garguilo (U.S. Patent No. 6,344,145) and Najafabadi (U.S. Patent No. 5,938,919) either because Upchurch (U.S. Patent No. 5,736,036) (column 3, lines 31-33) discloses use of a glass lined stainless steel column avoids compatibility problems or because Yang (U.S. Patent No. 4,483,773) (column 4, lines 59-62) discloses that a glass lined stainless steel column is interchangeable with a glass column.

The remarks urge patentability based upon permanently joining such as with gluing. Najafabadi (U.S. Patent No. 5,938,919) (column 7, lines 41-60) discloses that bonding prevents slipping. Garguilo (U.S. Patent No. 6,344,145) (column 6, lines 25-28) discloses gluing joins two capillaries and maintains their relative position. It would have been obvious to glue in Hartigan (U.S. Patent No. 4,083,702) because Najafabadi

Art Unit: 1723

(U.S. Patent No. 5,938,919) (column 7, lines 41-60) discloses that bonding prevents slipping and Garguilo (U.S. Patent No. 6,344,145) (column 6, lines 25-28) discloses gluing joins two capillaries and maintains their relative position.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

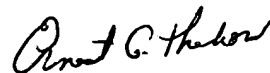
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Application/Control Number: 10/501,981

Page 9

Art Unit: 1723

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Ernest G. Therkorn".

Ernest G. Therkorn
Primary Examiner
Art Unit 1723

EGT

September 26, 2006